

Docket No. 002566-73 (019000)  
Serial No. 10/727,264  
Page 13

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**REMARKS**

At the outset, Applicants wish to thank Examiners Hong and Faber for the courtesies extended during the interview on February 15, 2007. The Office Action dated October 3, 2006 has been received and its contents carefully noted. By the above actions, claims 1-45 are pending in the application. In order to better define that which Applicants regard as the invention, claims 1, 5-8, 12-18, 20-21, 27-31, 33-34, and 41-45 have been amended. No new matter has been added. Support for the amendments is provided in the original claims, Figures 1-7, and related text of the specification.

In view of these actions and the following remarks, reconsideration of this application is now respectfully requested.

**Rejections under 35 U.S.C. §102**

Claims 1-4, 8-11, 15-17, 18-19, 30-32, and 44-45 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. App. No. 2002/0036654 to Evans et al. Applicants respectfully traverse this rejection, because Evans et al. fails to teach each and every element recited by the claims. In particular, Evans et al. fails to disclose selecting and retrieving an aggregate creative form from a plurality of aggregate creative forms, which are generated automatically by a computer from a plurality of subsets of subcreatives, as generally recited by independent claims 1, 8, 15-17, 30, and 44-45.

According to the present specification, an aggregate creative is "one type of electronic advertisement in which multiple advertisements appear together in one or more groups." (See specification as filed, page 8, lines 9-10.) Meanwhile, a subcreative is "an individual advertising message that is a member of an aggregate creative." (See specification as filed, page 8, lines 13-14.) Furthermore, "[a]n aggregate creative form, or 'form,' is a single snapshot of an aggregate creative which has a particular set and order of displayed subcreatives." (See specification as filed, page 8, lines 20-21.) To illustrate these concepts in an example, an aggregate creative may be an online advertisement that appears on a webpage with a different combination of sub-advertisements (subcreatives) each time the webpage is accessed, and an aggregate creative form refers to a specific appearance of the advertisement with a specific combination of sub-advertisements when the webpage is accessed on a single occasion.

The present specification explains that "the present invention provides for the creation of multiple aggregate creative forms with different sets and/or orders of subcreatives." (See

Docket No. 002566-73 (019000)  
Serial No. 10/727,264  
Page 14

specification as filed, page 8, lines 21-23.) Specifically, with reference to FIG. 5, the present specification explains:

The aggregate creative definition is operated, for each aggregate creative form that is to be generated, each time selecting one or more stored subcreatives from one or more pools of subcreatives in accordance with the definition (step 94), assembling the subcreatives and container into the aggregate creative form (step 96) and storing the aggregate creative form (step 98).

In accordance with the aggregate creative definition, the process of assembling aggregate creative forms (steps 94, 96, and 98) is repeated until the process ends (stop 99), at which time the process of assembling the aggregate creative ends (step 88).

(See specification as filed, page 12, line 24-page 13, line 1.) Correspondingly, the independent claims 1, 8, 15-17, 30, and 44-45 recite "generating automatically, by a computer, a plurality of aggregate creative forms." Furthermore, claims 1, 8, 15-17, 30, and 44-45 recite that the generation of the aggregate creative forms involves: "selecting a plurality of subsets of at least one subcreative from the plurality of subcreatives; and assembling each subset of at least one subcreative with the container according to the aggregate creative definition."

As the present specification further provides:

In accordance with the invention, the aggregate creative definition is interpreted automatically by an assembly process to generate a very large number of creative forms in a very short period of time. It will thus be seen that one advantage of the present invention over prior art, manual methods for assembling creatives, is the ability to automatically generate large numbers of aggregate forms from predetermined sets of data.

(See specification as filed, p. 14, line 31-p. 15, line 5.) Therefore, an advantage of embodiments of the claimed invention is the automated generation of a plurality of aggregate creative forms with different combinations of subcreatives, in advance of any transmission to users on an electronic network.

After the plurality aggregate creative forms have been generated, "one of these forms is subsequently chosen (possibly at random) by the advertising system for delivery with each new page view. . . ." (See specification as filed, page 8, lines 23-24.) Specifically, with reference to FIG. 6, the present specification explains: "A creative is selected (step 104). . . . If the creative is an aggregate creative (step 106), an appropriate form of the aggregate creative is chosen (step 110) and is transmitted in accordance with the advertising system direction (step 108)." (See specification as filed, page 13, lines 8-13.) Correspondingly, the

Docket No. 002566-73 (019000)  
Serial No. 10/727,264  
Page 15

independent claims claims 1, 8, 15-17, 30, and 44-45 also recite "storing the plurality of aggregate creative forms," "selecting an aggregate creative form from the plurality of aggregate creative forms" and "retrieving the selected aggregate creative form" "for transmission to users on an electronic network."

As such, an exemplary embodiment first combines a plurality of subsets of sub-advertisements to generate a plurality of advertisements. In this embodiment, the plurality of advertisements is stored, and one of these advertisements is subsequently selected and retrieved to be served on a webpage. Advantageously, as the specification explains, "the aggregate creative forms can be regenerated off-line from the actual advertising serving as frequently as desired, for example to reorder the subcreatives, without negatively affecting the on-line system's performance." (See specification as filed, page 15, lines 5-8.)

In contrast to the claimed invention, Evans et al. fails to teach selecting and retrieving an aggregate creative form from a plurality of aggregate creative forms, which are generated automatically by a computer from a plurality of subsets of subcreatives. Indeed, even assuming that an advertisement of Evans et al. may have multiple product references, the system of Evans et al. is directed toward a user-driven process for creating a single layout of these product references in a single advertisement (See, e.g., Evans et al., paragraphs [0048] and [0051]-[0052].)

With reference to FIG. 3, Evans et al. states:

In step 302, advertising formats are displayed for the user. In step 304, the user selects an advertising format to sue. In step 306, at least one template corresponding to the selected advertising format may be displayed. In step 308, at least one product reference is displayed for the user. In step 310, the user selects at least one product reference. In step 312, the selected product reference may be displayed on the template. In step 314, a preview of the advertisement may be created for the user. In step 316, the user may review the preview, and, if satisfactory, may authorize the production of the advertisement. In step 318, the advertisement may be produced, in an electronic format, in a printed format, etc.

(See Evans et al., paragraph [0048].) Steps 302 through 316 as illustrated in FIG. 3 produce just one advertisement for subsequent production in step 318. Nowhere does Evans et al. suggest that more than one advertisement is generated for production and delivery.

Furthermore, Evans et al. explains further:

... after completing the design of an advertisement, a user may cause the service provider's server to deliver information files electronically to a printer for printing and distribution.

Docket No. 002566-73 (019000)  
Serial No. 10/727,264  
Page 16

In another preferred embodiment, a user may specify the electronic delivery of a final or non-final advertisement to a target audience via e-mail or by posting it on one or more websites.

(See Evans et al., paragraphs [0051]-[0052]; see also Evans et al., paragraph [0027].) Evans et al. teaches that after the design of one advertisement, the single advertisement is directly delivered to a printer or to a target audience via e-mail or website posting. Accordingly, Evans et al. fails to teach selecting, for delivery, one advertisement from a plurality of stored advertisements which are automatically generated from a plurality of combinations of subcreatives, e.g. sub-advertisements.

Furthermore, the manual process of Evans et al. teaches away from automatically generating a plurality of stored advertisements which are subsequently available for individual selection and retrieval for transmission on an electronic network. As indicated above, steps 304, 310, and 316 in FIG. 3 of Evans et al. requires action and/or input from the user. A process which requires such manual interaction by the user is clearly more suitable for the generation of a single advertisement, rather than a plurality of advertisements. Indeed, Evans et al. uses a manual process of creating advertisements that the present specification distinguishes as prior art. (See specification as filed, p. 4, lines 19-24.) As the present specification explains, such an "approach requires significant human intervention, and therefore does not scale well; manually trying to create many compound creatives with many subcreatives can be achieved only at a high cost." (See specification as filed, p. 4, lines 21-24.) Thus, "without the benefit of the present invention. . . , it is necessary to create each form of a creative manually - a very time- and labor-intensive process." (See specification as filed, p. 14, lines 29-31.)

Citing paragraphs [0088] and [0095] of Evans et al., the Examiner asserts: "Each product being advertised has multiple product references from which the assistance layout program may choose. Since the program has multiple product references to choose from, it provides greater flexibility creating multiple advertisements." (See Office Action, page 4, lines 2-5.) Applicants respectfully submit that, contrary to the Examiner's assertion, Evans et al. discloses nothing about creating multiple advertisements. Paragraphs [0088] and [0095] of Evans et al. merely describe creating a single advertisement, where product references of different sizes are available for each product to facilitate the layout of product references in the single advertisement. (See Evans et al., paragraphs [0088] and [0095].) Indeed, multiple product references are employed in order to enable the creation of an optimal, i.e. single,

Docket No. 002566-73 (019000)  
Serial No. 10/727,264  
Page 17

advertisement according to a predefined set of priorities. (See Evans et al., paragraphs [0088] and [0095].)

The Examiner also asserts:

Paragraph 0091 discloses the user accounts service that provides access to a memory storage device that the user may store data. Thus, a user using an Internet connection may store product references, templates and other custom information such as user's files and data. Paragraph 0091 also discloses of [sic] an autosave feature being able to save the advertisement anytime during the advertisement creation. Thus, the final advertisement maybe [sic] sent via email or posted on a website in an electronic advertisement. (Paragraph 0052)

(See Office Action, page 4, lines 9-16.) Applicants respectfully submit that even if Evans et al. may teach the use of memory to save the advertisement anytime during advertisement creation, the cited reference fails disclose the storage of a plurality of advertisements after they have been completely generated. Moreover, Evans et al. does not teach the use of storage to enable subsequent selection and retrieval of the plurality of generated advertisements. Indeed, paragraph [0091] of Evans et al. merely teaches the use of memory to store data and work related to the actual creation of a single advertisement or an advertisement that is a work in progress, and it fails to disclose anything about storage of the final advertisements for subsequent selection and retrieval.

Therefore, because Evans et al. fails to disclose selecting and retrieving an aggregate creative form from a plurality of aggregate creative forms, which are generated automatically by a computer from a plurality of subsets of subcreatives, Evans et al. fails to disclose each and every element recited by independent claims 1, 8, 15-17, 30, and 44-45. Thus, withdrawal of the rejection of independent claims 1, 8, 15-17, 30, and 44-45 is in order and is respectfully requested. Additionally, Applicants respectfully submit that dependent claims 2-4, 9-11, 18-19, and 31-32 are allowable, at least for the reason of their dependency on allowable base claims 1, 8, 17, and 30.

**Rejections under 35 U.S.C. §103**

Claims 5, 12, 20-21, 24-27, 33-34, and 37-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. No. 2002/0036654 to Evans et al., in further view of U.S. Pat. App. No. 2002/0188635 to Larson. Applicants respectfully submit that dependent claims 5, 12, 20-21, 24-27, 33-34, and 37-41 are allowable at least for the reason of their dependency on allowable base claims 1, 8, 17, and 30.

Docket No. 002566-73 (019000)  
Serial No. 10/727,264  
Page 18

With respect to claims 5, 12, 27, and 41, the claims now recite that "each subset of at least one subcreative has a different combination of subcreatives, whereby an aggregate creative appears to rotate subcreatives when the steps of selecting an aggregate creative form and retrieving the aggregate creative form are repeated." The Examiner concedes that Evans et al. fails to disclose rotating a selection of subcreatives within a plurality of aggregate creative forms. (See Office Action, page 10, lines 10-13.) However, according to the Examiner: "Larson discloses the use of a preview (reduced-size; Paragraph 0061) image display advertisements depicted in various locations in an automatically rotating fashion. Larson discloses that the ads may periodically exchange places after a specified amount of time such as hourly or daily. (Paragraph 0138-0139)." (See Office Action, page 10, lines 13-17.) At most, Larson teaches rotating individual advertisements at the time a web page is served. (See Larson, paragraphs [0137]-[0138].) In contrast to Larson, however, claims 5, 12, 27, and 41 do not recite the direct rotation of individual advertisements during transmission on an electronic network, such as a web page. Rather, claims 5, 12, 27, and 41 recite that the appearance of rotation is achieved first by generating a different combinations of subcreatives for each aggregate creative form and then repeatedly selecting and retrieving the aggregate creative forms. Therefore, the combination of Evans et al. and Larson as suggested by the Examiner fails to disclose each and every element of claims 5, 12, 27, and 41. As such, withdrawal of the rejection of claims 5, 12, 27, and 41 is in order and is respectfully requested.

Claims 6-7, 13-14, 22-23, 28-29, 35-36, and 42-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. No. 2002/0036654 to Evans et al., in further view of U.S. Pat. App. No. 2002/0188635 to Larson, and in further view of U.S. Pat. App. No. 2002/0147645 to Alao et al. Applicants respectfully submit that dependent claims 6-7, 13-14, 22-23, 28-29, 35-36, and 42-43 are allowable at least for the reason of their dependency on allowable base claims 1, 8, 17, and 30. Additionally, claims 6-7, 13-14, 28-29, and 42-43 are allowable also for the reason of their dependency on allowable claims 5, 12, 27, and 41.

Docket No. 002566-73 (019000)  
Serial No. 10/727,264  
Page 19

In light of the amendments to the claims and the remarks provided hereinabove, the present application is now in condition for allowance. However, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that further prosecution of this application can thereby be expedited.

Respectfully submitted,

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